BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 18, 2010

<u>Call to Order</u>. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:00 P. M., Tuesday, May 18, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pam Timmons, Deputy Clerk; associated staff and interested parties.

<u>Presentation on Transfer of Development Rights (TDR)</u> Mr. Ted McCormack, Director of Governmental Affairs for the Virginia Association of Counties (VACo), gave a presentation and answered Board members questions.

Mr. Sterling noted that the equation on Mr. McCormack's Power Point was reversed.

Mr. Milde inquired if TDR and Purchase of Development Rights could be considered similar programs and asked if Fredericksburg was going to down zone.

Mr. McCormack said that he was not able to answer Mr. Milde's question about down zoning in Fredericksburg.

Mr. Sterling commented that it was frustrating how Urban Development Areas (UDA) were handled and Mr. Dudenhefer echoed Mr. Sterling's frustration saying that HB1071 was heard in the House before the Board was even informed of it. Mr. McCormack explained the way that VACo handled the issue. Mr. Dudenhefer stated that Stafford County expects VACo to stand up for what is right and to keep all counties informed of legislation that will affect them. He asked for specific and clear communication of what is happening in the General Assembly before it is too late for counties to respond or have an imprint on pending legislation.

Ms. Stimpson said that the Board was told that VACo endorsed HB1071 and therefore the Board did not question it until it was too late. Mr. McCormack replied that the legislation endorsed by VACo was different than the actual bill that went before the House.

<u>Work Session: Stafford Hospital Update</u> Ms. Cathy Yablonski, Senior Administrative Officer gave a presentation and answered Board members questions.

Mr. Dudenhefer asked about cardiac services and inquired if rescue personnel knew at which facility to take patients. Ms. Yablonski replied that Stafford Hospital has a good working relationship with all of the local EMS providers. She talked about protocols and how each medical facility has areas of specializations which could account for which hospital was used by EMS workers. She further stated that in the case of an emergency however, the closest facility should be utilized.

Ms. Stimpson congratulated Ms. Yablonski on the statistics presented, particularly on having zero MRSA infections at Stafford Hospital.

Mr. Milde commented about the article in the Free Lance-Star. Ms. Yablonski responded that Stafford Hospital is ready to serve additional patients if/when the need arises.

Mr. Dudenhefer thanked Ms. Yablonski saying that with the opening of Stafford Hospital, the quality of life for Stafford residents has improved.

<u>Work Session: Transportation Impact Fees</u> Mr. Michael Neuhard, Deputy County Administrator gave a presentation and answered Board members questions.

Discussion ensued.

Mr. Milde asked how much money had been collected to date. Mr. Neuhard replied that approximately \$30,000 had been collected. Mr. Crisp added that while it is only \$30,000 in cash, there have been significant proffers collected as well.

Mr. Woodson asked if Impact Fees were primarily in Urban Development Areas. Mr. Neuhard said that they are county-wide.

Mr. Snellings asked for clarification regarding commercial fees and the inclusion of medical facilities, daycare facilities, schools and churches and whether they would be for new or existing facilities. Mr. Neuhard answered that there are residential and non-residential fees and that in residential areas, the developer would pay the Impact Fees. Mr. Snellings stated that he was not in favor of including commercial properties.

Mr. Dudenhefer noted that Stafford is the only county in Virginia using this tool and reiterated that we currently have two impact fee areas. Mr. Milde said that he believes developers will try to defeat the program. Mr. Romanello stated that existing districts would be repealed if the program, as presented, was adopted by the Board.

Mr. Crisp asked about money already collected. Mr. Howard said that the money would have to be spent on or in the district in which it was collected and that no borrowed money was being used.

Ms. Stimpson asked if churches could be excluded. Mr. Neuhard said that the original methodology included all non-residential properties.

5/18/10 - Page 4

Mr. Sterling asked that it be reiterated that developers were responsible for paying residential fees. Mr. Neuhard said that the fee would be the responsibility of whoever applied for the building permit.

Mr. Milde motioned, seconded by Mr. Sterling to endorse the Draft Transportation Impact Fees Program with zero commercial fees and residential development fees to be used for transportation and paid by the developer. It will also be implicit that the current areas would be repealed.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Recess At 2:45 P.M., the Chairman declared a recess.

Call to Order At 2:57 P.M., the Chairman called the meeting back to order.

Work Session: Finance and Budget; Authorize a Public Hearing to Consider the Fiscal Year 2011-2016 Capital Improvements Program and Indicate Intent to Reimburse Certain Capital Improvement Expenditures Mr. Anthony Romanello, County Administrator, gave a presentation and answered Board members questions.

Discussion ensued.

Mr. Scott Horan, Schools Chief Facilities Officer, answered Board members questions.

Mr. Milde asked for a comparison of the proposed High School #6 to the new facility recently built in King George County. Mr. Horan stated that he believed that the estimated cost for HS #6 may be too high adding that it was based on 2007 projections. Mr. Horan suggested that there should be an adopted and uniform method of calculating escalation figures for future projects.

Ms. Stimpson asked Mr. Horan what can be done to address the high cost estimate for proposed High School #6. Mr. Horan stated that a new cost estimate could be formulated using today's dollars that would provide a more accurate estimate of the build-out costs.

Following a discussion about three of the five existing high schools being over design capacity, Mr. Milde talked about redistricting and whether there was a need for an additional 1000 spaces at the Stafford High School location. Mr. Snellings asked for current enrollment numbers at Stafford High School which Mr. Horan will provide.

Mr. Crisp asked if the projected \$120M cost for proposed High School #6 included the \$7M already spent. Mr. Horan said that he believed that it was included and said that 90% of the design has been completed. The actual building cost in 2007 was \$58M which escalated to the 2010 figure of \$120M to include road improvements and soft costs. Mr. Crisp asked if the cost estimate should be redone to reflect current costs. Mr. Horan said that it should and at that time, the School Division could look at details and for opportunities to reduce costs.

Mr. Sterling talked about elementary school renovations and that it may be cost effective to retain one contractor with a multi-year procurement to do one elementary school renovation per year. Ms. Stimpson asked if the renovation at Falmouth Elementary School was most pressing. Mr. Horan agreed that it was.

Mr. Snellings suggested that the existing committee review the Schools CIP and make a recommendation to the School Board and the Board of Supervisors including an updated cost estimate of proposed High School #6, eliminating the frills. Mr. Sterling added that the Board should give the committee an idea of what to prioritize; what is top priority and what the Board is willing to give up.

Mr. Snellings said that this is just a plan that may be changed at any time, and that it is not set in concrete. Ms. Stimpson said that she believes that a meeting of the joint committee will help to bring down the numbers. Mr. Romanello suggested that the

committees should be given time to work on the CIP and bring back recommendations to the Board at the end of the summer.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-28 and leaving \$1M in 2016 for future build-out of High School #6 and the remodel of the existing Stafford High School as an Applied Technical Center.

The Voting Board tally was:

Yea: (5) Sterling, Milde, Dudenhefer, Snellings, Stimpson

Nay: (2) Crisp, Woodson

Resolution R10-28 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON THE FISCAL YEAR 2011-2016 CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the six-year Capital Improvements Program (CIP) is a significant part of the Comprehensive Plan; and

WHEREAS, it is necessary to identify needed capital improvements; and

WHEREAS, financial constraints restrict the ability of the County to fully fund the CIP; and

WHEREAS, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing on the Fiscal Year 2011-2016 Capital Improvements Program.

<u>Work Session: Development Review Process Update</u> Mr. Michael Neuhard, Deputy County Administrator gave the presentation and answered Board members questions.

Hearing no objections from the Board, it was determined that members currently serving on the Development Fees Committee will add this item to their discussions. Mr. Dudenhefer said that he would serve as an alternate.

Mr. Neuhard introduced Ms. Brenda Schulte, Development Process Administrator, to the Board and outlined her new position and duties to which she has been assigned.

Work Session: County Attorney; Authorize a Public Hearing to Amend the County Code Regarding Chapter 15, "Motor Vehicles and Traffic" Mr. Joe Howard, County Attorney, gave a presentation. Mr. Howard and Sheriff Charlie Jett answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde to adopt proposed Resolution R10-146.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Resolution R10-146 reads as follows:

A RESOLUTION TO **AUTHORIZE** THE **COUNTY** ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO ADOPT AND STAFFORD COUNTY CODE, CHAPTER 15, ARTICLE III, DIVISION 1, ENTITLED "GENERALLY," AND DIVISION 2, ENTITLED "PARKING OF WATERCRAFT, BOAT TRAILERS, MOTOR HOMES, CAMPING TRAILERS, AND COMMERCIAL VEHICLES, AND COMMERCIAL PARKING PURPOSES ON PUBLIC FOR HIGHWAYS"

WHEREAS, Virginia Code §§ 46.2-1222.1 and 46.2-1224 authorize the County to regulate or prohibit the parking on any public highway in the County of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, several localities regulate or prohibit parking on public highways within their localities; and

WHEREAS, the Board desires to amend the Stafford County Code to regulate or prohibit parking on public highways in the County; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of adopting and reordaining Stafford County Code, Chapter 15, Division 1, entitled "Generally," and Division 2, entitled "Parking of Watercraft, Boat Trailers, Motor Homes, Camping Trailers, and Commercial Vehicles, and Parking for Commercial Purposes on Public Highways."

<u>Legislative</u>; <u>Closed Meeting</u> At 4:45 p.m. Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution CM10-12.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Crisp, Dudenhefer, Milde, Snellings, Stimpson

Nay: (0)

Resolution CM10-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting (1) Potential Acquisition of Real Estate for Public Purpose, F&R Station 14; (2) Legal Advice regarding Verizon SCC Tax Assessment Issues; (3) Legal Advice regarding County and School Board Annual Audit Issues; (4) Legal Advice Pending Litigation in *DGF Land Co., et al v. Board of Zoning Appeals* and *Board of Supervisors et al v. DGF Land et al.*; and (5) a Personnel Matter regarding Discussion of County Attorney Applicants; and

WHEREAS, pursuant to Section 2.2-3711 A.7, A.3 and A.1, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 18th day of May, 2010, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 5:55 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u> Mr. Sterling motioned, seconded by Mr. Snellings to adopt proposed Resolution CM10-12a.

The Voting Board tally was:

Yea: (6) Sterling, Snellings, Crisp, Dudenhefer, Milde, Stimpson

Nay: (0)

Absent: (1) Woodson

Resolution CM10-12(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 18, 2010

WHEREAS, the Board has, on this the 18th day of May, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 18th day of May, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 5:56 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order</u> At 7:01 P.M., the Chairman called the meeting back to order.

<u>Invocation</u> Mr. Milde gave the Invocation.

<u>Pledge of Allegiance</u> Ms. Stimpson led the Pledge of Allegiance to the Flag of the United States of America.

Mr. Dudenhefer made a brief statement concerning the recent death of Sgt. Donald James Lamar II, USMC.

<u>Legislative</u>; <u>Presentation of Proclamation</u>: Declare the Week of May 22-28, 2010 as Safe Boating Week.

Mr. Milde presented the proclamation to Cmdr. Richard Martinelli.

<u>Legislative</u>; <u>Presentations by the Public</u> The following persons desired to speak:

Dean Fetterolf - Budget, Taxes, School Funding

Paul Waldowski - Stormwater/Dumpsters/Water Bill

Jenny Holbert - Conditional Use Permit Fees

John Vergeres - Real Estate Assessment/Tax Bill

<u>Finance and Budget; Issue Qualified School Construction Bonds</u> Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Woodson to adopt proposed Resolution R10-141.

The Voting Board tally was:

Yea: (6) Snellings, Woodson, Crisp, Dudenhefer, Sterling, Stimpson

Nay: (0)

Absent: (1) Milde

Resolution R10-141 reads as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$1,408,000 GENERAL OBLIGATION SCHOOL BOND, SERIES 2010B, OF THE COUNTY OF STAFFORD, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$1,408,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing energy efficiency improvements and renovations, as well as renewable energy projects, for various public school buildings within the County (the "Projects"), each of which constitutes a capital project for school purposes; and

WHEREAS, the County held a public hearing, duly noticed, on May 18, 2010, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and

WHEREAS, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the spring of 2010 (the "VPSA Bonds"); and

WHEREAS, VPSA intends to issue the VPSA Bonds as "qualified school construction bonds" (referred to below as "QSCBs") within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009; and

WHEREAS, VPSA intends to elect to treat the VPSA Bonds as "specified tax credit bonds" under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which status enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB; and

WHEREAS, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable on under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the "specified tax credit bond" refundable credit election); and

WHEREAS, subject to the terms and conditions set forth or referred to below, VPSA will transfer to the County the allocable portion of the refundable credit received by VPSA with respect to the VPSA Bonds; and

WHEREAS, the allocation of QSCB volume cap pursuant to which VPSA will issue the VPSA Bonds was made by Executive Order 110 (2010) issued by the Governor of the Commonwealth of Virginia on January 13, 2010 (the "Executive Order"), to finance the Projects along with a number of other projects on the first priority waiting list or selected through a competitive evaluation process administered by the Virginia Department of Education and the Virginia Department of Mines, Minerals and Energy announced by letter of the Governor of the Commonwealth of Virginia dated October 14, 2009; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$1,280,000 is the amount of proceeds requested (the "Proceeds Requested") by the County from the VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA the VPSA Bonds, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in Section 1 of this Resolution does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

- 1. <u>Authorization of Local School Bond and Use of Proceeds</u>. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$1,408,000 (the "Local School Bond") for the purpose of financing the Projects and the issuance costs of the Local School Bond. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.
- 2. Sale of the Local School Bond. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Local School Bond at a price, determined by VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, or either of them. Given the VPSA Purchase Price Objective and market conditions, it may become necessary to sell the Local School Bond in a principal amount greater than the Proceeds Requested. If the limitation on the maximum principal amount on the Local School Bond set forth in Section 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, the Local School Bond may be sold for a purchase price of not lower than 90% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement with VPSA providing for the sale of the Local School Bond to VPSA. The agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

- 3. <u>Details of the Local School Bond</u>. The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2010B;" shall bear interest from the date of delivery thereof payable quarterly or semi-annually on dates specified by VPSA (each, an "Interest Payment Date" at the rates established in accordance with Section 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of Section 4 of this Resolution.
- <u>Interest Rates and Principal Installments</u>. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Bonds, to the extent required by VPSA (the "Annual Administrative Fee"), and provided further that the true interest cost of the Bonds does not exceed seven and a half percent (7.50%) per annum. The Interest Payment Dates and the Principal Installments may be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than the earlier of December 31, 2029 and the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in Section 9 hereof shall conclusively evidence the final Principal Installments as having been accepted by the County Administrator as authorized by this Resolution.
- 5. Acknowledgement of Disclaimer. The County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA due to (i) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iii) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part. It is also acknowledged that the County has the right to affect an extraordinary optional redemption of the Local School Bond in whole or in part upon the occurrence of any of these events as provided in the form of Local School Bond.
- 6. <u>Certain Investment Earnings</u>. The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single "bullet" maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code and (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the

principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in Section 14 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

- 7. **Form of the Local School Bond**. The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.
- 8. **Payment; Paying Agent and Bond Registrar**. The following provisions shall apply to the Local School Bond:
 - (a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of and interest, if any, and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Principal Payment Date or date fixed for payment, prepayment or redemption.
 - (b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.
- 9. **Prepayment or Redemption**. The Principal Installments of the Local School Bond may be subject to optional prepayment or redemption prior to their stated maturities as determined by VPSA. The Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), (ii) due to a loss of "qualified tax credit bond" and "qualified school construction bond" status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, and (iii) if due to (a) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code or (b) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the direct payment of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The Principal Installments of the Local School Board shall be redeemed at the redemption prices and upon the other terms set forth in the Local School Bond.
- 10. **Execution of the Local School Bond**. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

- 11. Pledge of Full Faith and Credit. For the prompt payment of the principal of and interest, if any, and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest, if any, and premium, if any, on the Local School Bond as such principal and interest, if any, and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
- 12. Use of Proceeds Certificate and Tax Compliance Agreement. Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show the compliance of the VPSA Bonds with the provisions of the Tax Code and applicable regulations relating to the qualification of the VPSA Bonds as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code.
- 13. <u>State Non-Arbitrage Program; Proceeds Agreement</u>. The Board hereby determines that it is in the best interests of the County to authorize and direct the County's Director of Finance to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.
- County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale

Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

- 15. <u>Fees, Costs and Expenses</u>. The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:
 - (A) The County's allocable share of the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and the County's allocable share of any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and
 - (B) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in Section 8 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.
- 16. <u>Filing of Resolution</u>. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.
- 17. <u>Election to Proceed under Public Finance Act</u>. In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.
- 18. <u>Further Actions</u>. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.
 - 19. **Effective Date**. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on May 18, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that

such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

Members present at the meeting were: Harry E. Crisp, II; Mark Dudenhefer, Chairman; Paul V. Milde, III, Vice Chairman; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Members absent from the meeting were: None.

Members voting in favor of the foregoing resolution were: Harry E. Crisp, II; Mark Dudenhefer, Chairman; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Members voting against the foregoing resolution were: None.

Members abstaining from voting on the foregoing resolution were: None.

Members absent from voting on the foregoing resolution were: Paul V. Milde, III, Vice Chairman.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this 18th day of May, 2010.

EXHIBIT A

[FORM OF TEMPORARY BOND]

NO. TR-1 \$_____

UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA COUNTY OF STAFFORD General Obligation School Bond Series 2010B

The COUNTY OF STAFFORD , VIRGINIA (the "County"), for value received,
hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC
SCHOOL AUTHORITY ("VPSA") the principal amount of
DOLLARS (\$), in annual installments in the amounts set forth on Schedule I
attached hereto commencing on September 1, 20 and continuing each September 1
thereafter to and including September 1, 20_ (each a "Principal Payment Date"),
together with interest from the date of this Bond on the unpaid installments, payable
[quarterly/semi-annually] on and of each year, commencing June 1,
2010 (each an "Interest Payment Date," and together with any Principal Payment Date, a
"Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject
to redemption as hereinafter provided. The principal of and interest, if any, and premium,
if any, on this Bond are payable in lawful money of the United States of America.

For as long as VPSA is the registered owner of this Bond, _______, as bond registrar (the "Bond Registrar"), shall make all payments of the principal of and interest, if any, and premium, if any, on this Bond, without the presentation or surrender hereof, to or at the direction of VPSA, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for redemption. If a Payment Date or date fixed for redemption is not a business day for banks in the Commonwealth of

Virginia or for the Commonwealth of Virginia, then the payment of the principal of and interest, if any, and premium, if any, on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for payment or redemption. Upon receipt by the registered owner of this Bond of said payments, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and interest, if any, and the premium, if any, on this Bond. The resolution adopted by the Board of Supervisors of the County on ______, 2010 (the "Local Resolution"), authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and interest, if any, and premium, if any, on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, of the Virginia Code, and the Local Resolution and a resolution duly adopted by the School Board of the County to provide funds for capital projects for school purposes.

This Bond is registered in VPSA's name on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for a substitute Bond, and register such substitute Bond on such registration books in the name of the assignee or assignees named in such assignment.

[The principal installments of this Bond are not subject to optional prepayment or redemption prior to their stated maturities.]

Upon not less than 15 days' written notice from VPSA to the Bond Registrar, this Bond is subject to mandatory redemption in whole or in part in an amount to be specified by VPSA on a date to be fixed by VPSA in the event that, due to a failure by the County to cause 100% of the Available Project Proceeds to be expended by the end of the Expenditure Period for Qualified Purposes, VPSA must redeem a portion of its School Tax Credit Bonds (Direct Payment Qualified School Construction Bonds), Series 2010-1 (the "VPSA Bonds"), pursuant to Section 54A(d)(2)(B)(i) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and Section 3.1(b) of the Second Supplemental Trust Indenture dated as of June 1, 2010 (the "Second Supplemental Indenture"), between VPSA and U.S. Bank National Association, as trustee. The redemption price shall be equal to 100% of the principal amount of this Bond to be redeemed plus a premium equal

to any outstanding fees, costs and expenses for which the County is or will become obligated to pay under Section 14 of the Local Resolution as determined by VPSA.

Upon not less than 15 days' written notice from VPSA to the Bond Registrar, this Bond is also subject to mandatory redemption in whole or in part in an amount to be specified by VPSA on a date to be fixed by VPSA if, due to a default by the County under the Use of Proceeds Certificate and Tax Compliance Agreement dated the dated date hereof (the "Tax Compliance Agreement"), between VPSA and the County, there occurs a Determination of Loss of QSCB Status (as defined in the Second Supplemental Indenture) with respect to all or any portion of the VPSA Bonds. The redemption price shall be equal to 100% of the principal amount to be redeemed plus a premium equal to the sum of (i) the redemption premium and other amounts VPSA will be obligated to pay in connection with the extraordinary mandatory redemption of the VPSA Bonds under Section 3.1(c) of the Second Supplemental Indenture and (ii) any outstanding fees, costs and expenses for which the County is or will become obligated to pay under Section 14 of the Local Resolution, all as determined by VPSA.

Upon not less than 15 days' written notice from VPSA to the Bond Registrar, this Bond is also subject to mandatory redemption in whole or in part, as determined by the County, on a date to be fixed by VPSA if, due to (i) any amendments by Congress to Section 54A, 54F or 6431 or any other applicable sections of the Tax Code or (ii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The redemption price shall be equal to (a) the redemption price VPSA will be obligated to pay in connection with the extraordinary mandatory redemption of the allocable portion of the VPSA Bonds under Section 3.1(d) of the Second Supplemental Indenture and (b) any outstanding fees, costs and expenses for which the County is or will become obligated to pay under Section 14 of the Local Resolution, all as determined by VPSA.

Unless otherwise defined, each of the capitalized terms used in the foregoing two paragraphs has the meaning given it in the Tax Compliance Agreement.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Stafford has caused this Bond to be issued in the name of the County of Stafford, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated May 18, 2010.

COUNTY OF STAFFORD, VIRGINIA

Chairman, Board of Supervisors of the

County of Stafford, Virginia

(SEAL) ATTEST:	
ASSI	Clerk, Board of Supervisors of the County of Stafford, Virginia
	e undersigned sells, assigns and transfers
(PLEASE PRINT OR TYPEWRITE NAM OF ASSIGNEE)	ME AND ADDRESS, INCLUDING ZIP CODE,
PLEASE INSERT SOCIAL SECURITY OF IDENTIFYING NUMBER OF ASSIGNED WITHIN Bond and irrevocably constitutes and	E:
Bond for definitive bonds in lieu of which to such definitive bonds on the books kept for substitution in the premises. Date:	his Bond is issued and to register the transfer of
	Registered Owner
Signature Guaranteed:	(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond
(NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.	in every particular, without alteration or change.)

<u>Legislative</u>: <u>Additions/Deletions to the Regular Agenda</u> Mr. Woodson motioned, seconded by Mr. Crisp to add Item 25, Conditional Use Permit Regarding B & J Auto Sales.

The Voting Board tally was:

Yea: (7) Woodson, Crisp, Dudenhefer, Milde, Snellings, Sterling, Stimpson

Nay: (0)

Legislative; Consent Agenda

Mr. Sterling motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 8 thru 22, omitting Item 20.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Item 8. Legislative; Approve Minutes of the May 4, 2010 Board Meeting

<u>Item 9. Finance and Budget; Approve Expenditure Listing</u>

Resolution R10-153 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED MAY 4, 2010 THROUGH MAY 17, 2010

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the $18^{\rm th}$ day of May 2010 that the above-mentioned EL be and hereby is approved.

<u>Item 10. Human Resources; Revise Certain Personnel Policies</u>

Resolution R10-132 reads as follows:

A RESOLUTION TO REVISE CERTAIN PERSONNEL POLICIES

WHEREAS, the Policy Manual was reviewed and revised on September 16, 2008; and

WHEREAS, the Personnel Policy Manual was recently reviewed and required updates; and

WHEREAS, the County desires to have a updated version to meet all County, state and federal policies; and

WHEREAS, the updates have been reviewed by the County Attorney's Office;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that the Board be and hereby does adopt certain revisions to the Personnel Policy Manual.

Item 11. Finance and Budget; Partial Release of FY2010 Appropriation for the County

Attorney's Office

Resolution R10-144 reads as follows:

A RESOLUTION TO APPROPRIATE THE REMAINING YEAR END PROJECTED EXPENDITURES FOR THE COUNTY ATTORNEY'S OFFICE FY2010 ADOPTED BUDGET

WHEREAS, FY 2009 audit and FY 2010 midyear review shows sufficient funds to appropriate the remaining FY 2010 General Government budgets; and

WHEREAS, staff has carefully reviewed the budget of the County Attorney's Office to identify potential expenditure savings; and

WHEREAS, although savings have been identified in the County Attorney's Office, there is still a need to appropriate some of these funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that it be and hereby does appropriate Thirty-five Thousand Nine Hundred Forty-seventy Dollars (\$35,947) to the County Attorney's Office for FY 2010.

Item 12. Public Works; Petition VDOT to Include Brooke Crest Lane, Rolling Brooke
Court and Holly Brooke Court in Brooke Ridge Subdivision, Section I, into the
Secondary System of State Highways

Resolution R10-148 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BROOKE CREST LANE, ROLLING BROOKE COURT AND HOLLY BROOKE COURT IN THE BROOKE RIDGE SECTION ONE SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Brooke Crest Lane, Rolling Brooke Court and Holly

Brooke Court within Brooke Ridge Section One Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Surety Bond in the amount of \$38,000 is required to be posted, however, VDOT has agreed to accept said bond in the form of a resolution by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of June 2010 that VDOT be and it hereby is petitioned to include the following streets into the Secondary System of State Highways:

Street-State Route Number Station	Length
Brooke Crest Lane (SR-2190) From: Int. Brooke Road (SR-608) To: Int. Rolling Brooke Court (SR-2191)	0.13 mile ROW 50'
Brooke Crest Lane (SR-2190) From: Int. Rolling Brooke Court SR-2191) To: Int. Holly Brooke Court (SR-2192)	0.28 mile ROW 50'
Brooke Crest Lane (SR-2190) From: Int. Holly Brooke Court (SR-2192) To: Brooke Crest Lane (SR-2190) Temporary Turnaround	0.18 mile ROW 50'
Rolling Brooke Court (SR-2191) From: Int. Brooke Crest Lane (SR-2190) To: End Rolling Brooke Court (SR-2191) Cul-de-sac ROV	0.13 mile W 50'-120'
Holly Brooke Court (SR-2192) From: Int. Brooke Crest Lane (SR-2190) To: End Holly Brooke Court (SR-2190) Cul-de-sac ROV	0.21 mile W 50'-120'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled: Brooke Ridge Subdivision PB. 29 PG. 105-108 LR # 960011032 on July 30, 1996; and

BE IT FURTHER RESOLVED that the Board hereby guarantees a surety in the amount of Thirty Eight Thousand Dollars (\$38,000) for the specific purpose of recovering all loss, cost, damage, or expense incurred to correct faulty workmanship or materials associated with the construction of the mileage on these streets and/or related drainage facilities referenced on the VDOT DACHS Form AM-4.3 for a period of one year from the date of the legal addition of the referenced mileage to the VDOT Secondary System of State Highways; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of VDOT.

Resolution R10-157 reads as follows:

A RESOLUTION TO APPROVE RECRUITMENT OF ONE POSITION IN THE UTILITIES DEPARTMENT AND ONE POSITION IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, funding is available in the FY 2010 and in the FY 2011 Adopted Budgets to fill the vacant positions; and

WHEREAS, vacancies exist for the following positions:

Civil Engineer and Transportation Coordinator; and

WHEREAS, both positions has been deemed critical to the operation of County services; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that the Board be and hereby does approve recruitment for the above mentioned positions.

Item 14. Legislative; Approve the Virginia Juvenile Community Crime Control Act (VJCCCA) Plan for 2011-2012

Resolution R10-149 reads as follows:

A RESOLUTION TO APPROVE THE VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT PLAN FOR 2011-2012

WHEREAS, the County of Stafford has been authorized funding pursuant to the Virginia Juvenile Community Crime Control Act to create additional delinquency prevention programs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that the plan, as prepared by the Fifteenth Judicial District Court Service Unit for the use of these funds from the Department of Juvenile Justice, be and it hereby is approved; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute approval of said Plan.

<u>Item 15. Parks, Recreation and Community Facilities; Award Contract for Tennis Court</u> Renovation at John Lee Pratt Memorial Park

Resolution R10-151 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR TENNIS COURT REPAIRS AT JOHN LEE PRATT MEMORIAL PARK WHEREAS, on February 2, 2010, the Board approved Resolution R10-89 to approve the Parks and Recreation Bond Interest List and to budget and appropriate \$1.1M interest for parks and recreation projects; and

WHEREAS, tennis court repairs at John Lee Pratt Memorial Park were on the approved list; and

WHEREAS, the County participates in a cooperative procurement agreement with the County of Fairfax through the Metropolitan Washington Council of Governments; and

WHEREAS, the contract cost is less than the \$175,000 budgeted for the project; and

WHEREAS, the County of Fairfax has a contract with Centennial Contractors Enterprises, Inc., with a rider clause extending services to Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that it be and hereby does authorize execution of a contract with Centennial Contractors Enterprises, Inc., for tennis court repairs at John Lee Pratt Memorial Park in an amount not to exceed One Hundred Fiftyseven Thousand Eight Hundred Twenty-five Dollars (\$157,825).

Item 16. Finance and Budget; Approve the FY2010 Potomac and Rappahannock Transportation Commission Administrative Fee and Virginia Railway Express Subsidy and Authorize Payment

Resolution R10-152 reads as follows:

A RESOLUTION TO APPROVE AND AUTHORIZE PAYMENT OF THE FY2011 POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION ADMINISTRATIVE FEE AND THE VIRGINIA RAILWAY EXPRESS SUBSIDY

WHEREAS, the County is a member of the Potomac and Rappahannock Transportation Commission (PRTC); and

WHEREAS, the County is a participating jurisdiction of the Virginia Railway Express (VRE); and

WHEREAS, the County's FY2011 PRTC administrative fee is \$57,000; and

WHEREAS, the County's FY2011 VRE subsidy is \$2,634,002;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that it be and hereby does approve the proposed PRTC administrative fee and VRE subsidy as stated above; and

BE IT FURTHER RESOLVED that the payment of the administrative fee and subsidy during FY2011 be and they hereby are authorized.

<u>Item 17. Sheriff; Authorize Purchase of Armored Incident Response Vehicle</u>

Resolution R10-156 reads as follows:

A RESOLUTION TO APPROVE THE PURCHASE OF AN ARMORED INCIDENT RESPONSE VEHICLE

WHEREAS, the County was awarded federal grant funds by the Department of Criminal Justice Service for the State Homeland Security Program which is funded by the U.S. Department of Homeland Security; and

WHEREAS, the grant was accepted, budgeted and appropriated to the Sheriff's Office Budget by Resolution R10-101; and

WHEREAS, the vehicle can be purchased on a U.S. General Services Administration (GSA) contract for the price of \$266,262;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that it be and hereby does approve the purchase of an Armored Incident Response Vehicle by the Sheriff's Office from the GSA contract in an amount not to exceed Two Hundred Sixty-six Thousand Two Hundred Sixty-two Dollars (\$266,262).

Item 18. Public Information; Declare the Week of May 22-18, 2010 as Safe Boating Week in Stafford County

Proclamation P10-13 reads as follows:

A PROCLAMATION TO DECLARE MAY 22 - MAY 28, 2010, AS SAFE BOATING WEEK IN STAFFORD COUNTY, VIRGINIA

WHEREAS, Stafford County boasts beautiful and abundant lakes, rivers and streams offering boaters, skiers, fishermen and swimmers a wealth of recreational opportunities; and

WHEREAS, tragically, more than 700 people die nationwide each year in boating accidents attributed to a failure to wear life jackets, poorly maintained watercraft and onboard equipment, and the consumption of alcoholic beverages; and

WHEREAS, the National Safe Boating Council has declared May 22 - May 28, 2010, as National Safe Boating Week; and

WHEREAS, events during National Safe Boating Week will highlight the four principles of safe boating, which include "wearing life jackets saves lives, boater education saves lives, safe boats save lives, and sober boating saves lives"; and

WHEREAS, the National Safe Boating Council urges water enthusiasts to take advantage of boating safety courses sponsored by local Coast Guard Auxiliaries and United States Power Squadrons, maintain the correct number and size of personal flotation devices on board crafts, keep charts and maps current, and maintain the proper emergency communications equipment on vessels; and

WHEREAS, the Board urges citizens in Stafford to keep safety in mind as they enjoy water recreation opportunities throughout the summer, and to remember the continuing National Safe Boating Week Campaign slogan, which is "Wear It! Always Wear Your Life Jacket!;"

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that the week of May 22 - May 28, 2010, be and it hereby is declared as Safe Boating Week in Stafford County.

Item 19. Planning and Zoning; Endorse the Request of the Virginia Department of Housing and Community Development to Combine Neighborhood Stabilization Program Grant Funds

Resolution R10-159 reads as follows:

A RESOLUTION TO ENDORSE THE REQUEST TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO COMBINE AREA NEIGHBORHOOD STABILIZATION GRANT FUNDS

WHEREAS, on April 6, 2009, the Central Virginia Housing Coalition (CVHC), on behalf of Stafford County and the City of Fredericksburg, was awarded \$2.5 million in Neighborhood Stabilization Program (NSP) funds from the Virginia Department of Housing and Community Development (DHCD) to purchase, renovate, and resell foreclosed homes to households with incomes which do not exceed 120% of the median area income depending on household size under grant agreement, Northern 08NSP-03; and

WHEREAS, on the same date, CVHC, on behalf of Spotsylvania and Caroline Counties, was awarded \$2.5 million in NSP funds under a separate grant agreement, Southern 08NSP-02; and

WHEREAS, CVHC has had limited success to acquire only six of the fifteen properties outlined in the Northern 08NSP-03 grant agreement due to a reduced inventory of foreclosed homes and difficult market conditions; and

WHEREAS, CVHC has completed its obligations in Spotsylvania and Caroline Counties under the Southern 08NSP-02 grant agreement where inventory and market conditions were more favorable to purchase houses; and

WHEREAS, the deadline to obligate funds, without the risk of recapture by the awarding agency has been established to be July 31, 2010; and

WHEREAS, CVHC has requested that the Stafford County and the City of Fredericksburg endorse the request to DHCD to combine Northern 08NSP-03 with Southern 08NSP-02;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May 2010, that it be and hereby does endorse the request to the Virginia Department of Housing and Community Development to combine Neighborhood Stabilization Program grant Northern 08NSP-03 with Neighborhood Stabilization Program grant Southern 08NSP-02.

Item 21. Deleted from the agenda.

Item 22. Fire and Rescue; Authorize Reappointment of Jim Hill to the Rappahannock Emergency Medical Services Council Board of Directors

Resolution R10-150 reads as follows:

REAPPOINTMENT OF DIVISION CHIEF JIM HILL TO THE BOARD OF DIRECTORS OF THE RAPPAHANNOCK EMERGENCY MEDICAL SERVICES COUNCIL, INC.

WHEREAS, Division Chief Jim Hill has been an active member of and served on the Board of Directors of the Rappahannock Emergency Medical Services Council, Inc. since February 2007; and

WHEREAS, Division Chief Hill's seat on the Board of Directors will expire in June, 2010; and

WHEREAS, Division Chief Jim Hill has indicated his willingness to accept this reappointment and to continue to serve in that capacity;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of May, 2010, that it be and hereby does approve the reappointment of Division Chief Jim Hill to the Board of Directors of the Rappahannock Emergency Medical Services Council, Inc.

Economic Development; Authorize Tourism Fund Payment for Union Church Historic
Site Feasibility Study

Mr. Crisp motioned, seconded by Mr. Milde to defer this item to the June 1, 2010 meeting.

The Voting Board tally was:

Yea: (7) Crisp, Milde, Dudenhefer, Snellings, Sterling, Stimpson, Woodson

Nay: (0)

5/18/10 - Page 29

Report of the Economic Development Committee: Mr. Crisp spoke on behalf of himself

and Ms. Stimpson, as members of the Economic Development Committee, and reviewed

the report which was included in the Monthly Report. The focus of Mr. Crisp's report

was Item #1 of the Ten-Point Plan. A preamble was added to state the goals and purpose

of the Plan and to identify deliverables/milestones and responsible parties.

Discussion ensued.

At the June 15th meeting, an update on Item #10 of the Plan will be reviewed. Ms.

Stimpson added that the ED Committee worked purposefully with staff from the

Department of Economic Development and the Finance and Budget Committee to ensure

a competitive tax base, adding that Item #10 of the Plan focuses on marketing which is

necessary to grow a much needed revenue base to help alleviate the burden on home

owners.

Mr. Woodson discussed the comparison of the sixteen categories of tax rates illustrated in

the report.

Mr. Milde thanked Mr. Baroody for his efforts on behalf of the Department of Economic

Development.

Legislative; Discuss Conditional Use Permit for B & J Auto Sales

Mr. Crisp motioned, seconded by Mr. Sterling to initiate an amendment to Conditional

Use Permit CUP2200637 specifically allowing retail sales at the existing location.

The Voting Board tally was:

Yea:

Crisp, Sterling, Milde, Dudenhefer, Snellings, Stimpson, Woodson (7)

Nay:

(0)

Proposed Resolution R10-176 reads as follows:

A RESOLUTION TO INITIATE AN AMENDMENT TO CONDITIONS FOR CUP220637

WHEREAS, Conditional Use Permit application CUP220637 was approved by Resolution R02-513 to allow a motor vehicle sales facility on Assessor's Parcel 54-66; and

WHEREAS, it has come to the attention of the Board that the conditions of approving resolution are unclear as to the retail sales of motor vehicles on the property; and

WHEREAS, the business owner has relied in good faith and belief that the permit approval allowed retail sales of vehicles on the property; and

WHEREAS, the Board believes that it is in the public interest to correct the ambiguity in the conditions of Resolution R02-513; and

WHEREAS, the Board finds that public necessity, convenience, general welfare and good zoning practices require adoption of such an amendment;

NOW, THEREFORE BE IT RESOLVED that an amendment be made to Conditional Use Permit CUP220637 to explicitly allow retail sales of motor vehicles on the property; and

BE IT FURTHER RESOLVED that the County Administrator be and hereby is instructed to prepare the Conditional Use Permit application and refer the matter to the Planning Commission for a public hearing and its recommendation.

Adjournment At 7:45 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman